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H – 1167

International Court of Justice

H1167 - 0002

ERICH RAEDER

Section of Indictment

Appendix A at pp. 33 and 34

I think it would be convenient in the case of Raeder, if the

2888 PS Tribunal were to look at Ex. 2888 PS (US 13) which sets out the offices and positions held by Raeder.

2888 PS

The Tribunal can thus see that Raeder was head of the German Navy from 1928 until 1945. In the Nazi war machine Raeder's Navy and Raeder's backing were key factors. The Prosecution submits that Raeder was an active participant on both the political and military level in the Nazi conspiracy to wage wars of aggression and to wage them ruthlessly.

A. The Building of the German Navy

The small Navy permitted to Germany under the terms of the Versailles Treaty was enormously expanded under Raeder's guidance. Indeed his principal contribution to the Nazi conspiracy was his building up of the German Navy as a formidable instrument of war to implement Hitler's general plan of aggression.

1. The story of Germany's secret re-armament in violation of the Treaty of Versailles is now familiar to the Tribunal. I would

C 156 US 41 remind the Tribunal of C 156 (US 41) - "The Fight of the Navy against Versailles, 1919 - 1935" which was published secretly by the German Admiralty in 1937. This showed that before the Nazis came to power the German Admiralty deceived not only the Governments of other countries, but even their own Government, their secret measures ranging from experimental U boat and E boat building to the creation of secret intelligence and finance organizations.

I venture to draw the Court's attention to a reference to Raeder's

C 156 part, found on page 75 of the book. It is at the bottom of the last

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C 156 page but one of the C 156 extracts in the Document Book.

"The C. in C.....Versailles Treaty"

As an illustration of Raeder's technique I would remind the

C141 US 47 Tribunal of C 141 (US 47), a letter of Raeder's of 10 February 1932 in which Raeder states that in view of Germany's treaty obligations and the disarmament Conference, steps must be taken to prevent the 1st E-boat half flottilla from appearing openly as a formation of torpedo-carrying boats as it was not intended to count these E-boats against the number of torpedo-carrying boats allowed them.

C 135 The Document C 135 is of interest because it suggests that even in 1930, the intention ultimately to attack Poland was already current in German military circles.

C 135 - paras 1 & 2

Para 3 refers to the fundamental change which occured when Hitler seized power and states significantly

> "Hitler had made a clear political request to build up for him in five years i.e. by 1.4.1938, Armed Forces, which he could place in the balance as an instrument of political power."

2. The Nazi seizure of power in 1933 was thus the signal to Raeder to go full speed ahead on re-armament. The detailed story of this development has already been told by my American colleague Mr. Alderman.

I would refer the Court to:-

C 189 US 44 i. C 189, in which Raeder tells Hitler in June 1934 that the German fleet must be developed to oppose England and that therefore from 1936 on the big ships must be armed with big guns to match the British King George Class of battleship. It further refers to Hitler's demand that the construction of U-boats should be kept completely secret, especially in view of the Saar plebiscite.

ii. In November 1934, Raeder had a further talk with Hitler on the financing of naval rearmament when Hitler told him that in case of

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need he would get Dr. Ley to put 120 - 150 million from the Labour
C 190
US 45 Front at the disposal of the Navy.

C 190 (US 45)

C 23
US 49 iii. The document C 23 (US 49) stating that the true displacement of certain German battleships exceeded by 20% the displacement reported to the British, is typical of Raeder's use of deceit.

C 166
US 48 iv. C 166 (US 48) is another such document, this time ordering that auxiliary cruisers which were being secretly constructed, should be referred to as "transport ships "O".

C 29
US 46 v. The document C 29 (US 46) signed by Raeder and dealing with the support given by the German Navy to the German Armament Industry, is an illustration of Raeder's concern with the broader aspects of Nazi policy.

vi. A final commentary on post 1933 naval re-armament is Raeder's letter to the Navy of 11 June 1940.

C 155

C 155

D. Raeder, the Navy and the Nazi Party.

1. Raeder welcomed and became one of the pillars of Nazi power. He more than anyone was responsible for securing the unquestioned allegiance of the German Navy to the Nazi movement.

a. Raeder's approval of Hitler was shown particularly clearly on 2 August 1934, the day of Hindenburg's death, when he and all the men under him, swore a new oath of loyalty with much ceremony, this time to Adolf Hitler and no longer to the Fatherland as before.

D 481

D 481 RGB 1934 p.785 (20 August 1934)

b. I do not propose to take the Tribunal's time with reiteration of the steps by which the Navy was progressively drawn into the closest alliance with the Nazi Party. I would remind the Court of facts of history such as the incorporation of the

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swastika into the ensign under which the German fleet sailed and the wearing of the swastika on the uniforms of naval officers and men, speak for themselves.

c. The Nazis were not ungrateful for Raeder's obeisance and collaboration. His services in rebuilding the German Navy were widely recognised by the Nazi Press and propagandists. On his 66th birthday, the Chief Party organ, the Voelkischer Beobachter stated:-

D 448 "It was to...greatest merit"
D 448. V.B. 25 April, 1942.

C. Raeder the Man and the Nazi Conspiracy.

Raeder himself, from the time of the Nazi seizure of power onwards, became increasingly involved in responsibility for the general policies of the Nazi state.

I. i. Long before his promotion to General Admiral in 1936 Raeder had become a permanent member of the very secret Reich Defence Council joining it when it was founded on 4th April 1933. Thus at an early date, Raeder was involved both militarily and politically in the Nazi conspiracy.

E C 177 US 390 E C 177 (U S 390). This document contains the classic Nazi directive "Matters communicated orally cannot be proven, they can be denied by us in Geneva."

ii. On 4 Feby., 1938, Raeder was appointed to be a member of a newly formed secret advisory council for foreign affairs

2031 PS 2031 PS Hitler decree 4 February, 1938
1938 RGB I, I, p.112

iii. Three weeks later a decree of Hitler's stated that, as well as being equal in rank with a cabinet minister, Raeder was also to take part in the sessions of the Cabinet.

2098 PS 2098 PS Hitler decree 25 February 1938
1938 RGB I.I.p.215

2. It is thus abundantly clear that Raeder's responsibility for all political decisions was steadily developed during the period

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1933 to 1938 and that in the course of time he became a member of all the main political advisory bodies. He was very much a member of the inner councils of the conspirators and must carry with them the responsibility for the acts that led to the German invasion of Poland in 1939 and the outbreak of war.

As an illustration, I would remind the Tribunal that he was present at two of the key meetings at which Hitler openly declared his intention of attacking neighbouring countries. I refer to:

386 PS
U S 25

i. 386 PS - the record of Hitler's conference at the Reich Chancellery on 5th November 1937 about matters which were said to be too important to discuss in the larger circle of the Reich Cabinet, a document which establishes conclusively that the Nazis premeditated their crimes against peace.

L 79

ii. Hitler's Conference on 23 May 1939 at which Hitler confirmed his intention to make a deliberate attack on Poland at the first opportunity, being well aware that this must cause widespread war in Europe.

L 79 (USA 27)

These were key conferences. At others Raeder was also present to place his knowledge and professional skill in the service of the Nazi machine of aggressive war.

iii. Raeder's active promotion of the military planning and preparation for the subsequent Polish campaign is by now well known and I am not proposing to deal with this evidence again. Once the war did start, Raeder showed himself a master of the most typical of the conspirator's techniques, that of deceit on the grand scale. There are few better examples than that of his handling of the "Athenia" case.

a. The "Athenia", as the Tribunal will be aware, was a passenger liner, which was sunk in the evening of the 3rd September, when outward bound to America, about 100 lives being lost.

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b. On 23 October 1939, the Nazi party paper, the Voelkischer Beobachter, published in screaming headlines the story "Churchill
3260 PS sank the Athenia." (3260 PS)

c. We now know that the Athenia was in fact torpedoed by the German U-boat U 30.

d. So unjustifiable was the torpedoeing of the Athenia, however, that the German navy embarked on a course of falsification of their records and on other dishonest measures in the hope of hiding their guilty secret. For their part, the Nazi propagandists sought to shift the responsibility on to the British.

e. The Captain of the U 30, Oberleutnant Lemp, was later killed in action, but some of his original crew have survived as prisoners of war. So that the truth as to this episode may be placed beyond a peradventure, I submit to the Tribunal an affidavit by a member of the crew of the U 30 as to the sinking of the Athenia
D 654 and as to one aspect of the attempt to conceal the true facts.

D 654

D 638 f. Doenitz's part is described in an affidavit sworn by him.

D 638

g. It is right that I should add that the suggestion that the Captain of the U 30 sank the Athenia in mistake for a Merchant
C 191 Cruiser must be considered in the light of a document C 191, dated 22 September 1939, which Col. Phillimore will put in, which refers to Doenitz's order that

> "the sinking of a merchant ship must be justified in the War Diary as due to possible confusion with a warship or an auxiliary cruiser."

h. The U 30 returned to Wilhelmshaven on 27 September 1939. I submit an extract from the War Diary of the Chief of U-boats for
D 659 that date. D 659 .

No reference to the sinking of the Athenia. This is yet another lying document.

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i. Perhaps the most elaborate forgery in connection with this episode was the forgery of the log book of the U 30 which I submit to the Tribunal D 662. It is a forgery which shows however a curiously un-German carelessness about detail.

D 662

The Tribunal will observe:

i. The first page of the text is a clear substitute for several pages that have been removed. The dates in the first column of this page are in Arabic numerals. On the second and more authentic looking page, they are in Roman numerals.

ii. All reference to the action on 3 September is omitted.

iii. The position at 1400 hours on 3 September is given as AL 0278 which, it is observed, is one of the very few positions quoted at all and which was some 200 miles west of the position where the Athenia was sunk. The course due South and speed of 10 knots recorded is also obviously designed to suggest that U 30 was well clear of the Athenia's position of that evening.

iv. Finally, Lemp's signature on page 1 differs from the other signatures in the text. Page 1 is signed with a Roman "p", the others with a script "p". The inference is that page 1 was made up at some other and probably considerably later date.

j. The whole of this Athenia story establishes that the German Navy under Raeder embarked on deliberate fraud. Even before receiving Lemp's reports, he had denied the possibility of a German U boat being in the area concerned. Charts showing the desposition of U-boats and the positions of sinkings of merchant vessels to be introduced by Colonel Phillimore, will show the utter dishonesty of these annoucements Raeder knew all the facts. Censorship and information control in Nazi Germany was so complete, that Raeder, as head of the Navy, must have been party to the falsification published in the Voelkischer Beobachter on 23 October 1939 - which was a wholly dishonourable attempt by the Nazi conspirators to save their faces with their own people and to uphold the myth of an infallible Fuhrer backed by an impeccable war machine.

In view of the maliciousness of the Voelkischer Beobachter

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announcement and in fairness to the men of the British merchant marine I think it is proper that I should say that, contrary to the allegation of the Nazi sheet, the Athenia of course made repeated wireless distress signals, which were in fact intercepted and answered by H.M.Ships Electra and Escort, as well as by the Norwegian S.S. Knute Nelson and the yacht "Southern Cross".

Truth mattered little in Nazi propaganda and it would appear that Raeder's camouflage was not confined to painting his ships or sailing them under the British flag as he did in attacking Norway and Denmark.

3. i. I think it is hardly necesary that I should remind the Court of Raeder's leading part in the perfidious Nazi assault on Norway and Denmark, the evidence as to which has already been presented.

I must only add Raeder's proud comment on these brutal invasions

C 155 in his letter to the Navy of 11 June, 1940. C 155:-

> "The operations of the Navy in the occupation of Norway will for all time remain the great contribution of the Navy to this war".

Here is a man totally without scruple.

ii. With the occupation of Norway and of much of Western Europe safely completed, Hitler turned his eyes towards Russia. In fairness to Raeder it is right that I should say that Raeder himself was against the attack on Russia and tried to dissuade Hitler from embarking upon it. The documents show however, that Raeder approached the problem with complete cynicism. He did not object to the aggressive war on Russia because of its illegality, its immorality, its inhumanity. His only objection to it was its untimeliness. He wanted to finish England first before going further afield.

C 170 The story of Raeder's part in the deliberations on the war against Russia is told in the document C 170, which consists of extracts

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from a German compilation of official naval notes by the German Naval War Staff. The first showed that Raeder advocated to Hitler an aggressive Mediterranean as opposed to a continental land policy.

C VII/40, 285 26 September 1940 (p.11)

"Naval Supreme Commander.....still necessary."

C VII/40, 162 14 November. (p.12)

"Naval Supreme Commander.....assistance."

C VII, 2024 27 December (p.14)

Whole para.

A 18, 227 18 Feb. (p.16)

"Chief, Naval operations (SKL) insists on the occupation of Malta even before Barbarossa."

A 18, 295 23 February.

"Instruction.....Barbarossa".

The next entry shows that by March 1941, Raeder had begun to consider what prospects of Naval action the Russian aggression had to offer.

A 19, 265, 19 March, (p.18)

"In case of Barbarossa.....difficult".

Meantime Mussolini, the flunky of Naziism, was crying out for an active Mediterranean policy.

A21 454 30 May (p.21)
"Duce.....completely".

C VII/41, 173 6 June.

"Naval Supreme Commander.....Eastern Mediterranean".

C 170 iii. Once Hitler had made his decision to attack Russia, Raeder sought a role for the Navy in the campaign. The first naval operational plan against Russia was a particularly perfidious one.

C 170 177) A 22, 165 15 June (p.23)

"On the proposal.....aimed at."

C 38 Keitel provided a characteristically dishonest pretext for this action in his letter C 38. p.2

(4304

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(Read whole document)

iv. Meantime Raeder, as the Tribunal has seen from the document C 152 (GB 122), was urging Hitler as early as 18 March 1941 to induce Japan to seize Singapore.

C 152
GB 122

By 20 April, 1941, Hitler had obviously agreed with this idea. I refer to an entry for this date in C 170

C 170

An interesting commentary on this is found in para 3 of p.2 of C.66. This is typical of the kind of jungle diplomacy with which Raeder associated himself.

C 66

D. Crimes at Sea.

Raeder, throughout his career, has shown a complete disregard for any international rule or usage of war which conflicted in the slightest with his intention of carrying through the Nazi programme of conquest. I propose to submit to the Tribunal a few examples only of his flouting of the law and customs of civilised states.

i. Raeder has himself summarised his attitude well in the document U K 65, which is a long memorandum dated 15 October, 1939 on the intensification of the war at sea:

U K 65

> "It is desirable to base all military measures taken on international law; however, measures which are considered necessary from a military point of view provided a decisive success can be expected of them, will have to be carried out, even if they are not covered by existing international law."
>
> U K 65

Raeder, whilst primarily a naval man, was also a politician, with a voice in the development of all the Nazi schemes. I submit that as an active member of the inner councils of the Nazi state right up to 1943, Raeder must share responsibility for the many war crimes committed by his confederates and underlings in the course of their wars.

ii. Quite apart from this over-all responsibility however, there are certain crimes which the prosecution submits were essentially initiated and passed down the naval chain of command by

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Raeder himself.

C 27 C 27, the minutes of a meeting between Hitler and Raeder on 30 December 1939, shows clearly how Raeder was seeking to lead Hitler into ordering excesses in the war at sea.

> "The chief of naval war staff (Raeder) requests that power may be given to the naval war staff in making any intensification suited to the situation and to the means of war. The Fuhrer fundamentally agrees to the sinking without warning of Greek ships in the American prohibited area and of neutral ships in those sections of the American prohibited area in which the fiction of mine danger can be upheld e.g., the Bristol Channel."

The Tribunal will recollect that at this time Greek ships were also neutral.

This incitement to crime was a typical group effort, for a C 12 directive to this effect C 12 was issued on the same day by the OKW, being signed by Jodl.

Another example of the callous attitude of the German navy when it was under Raeder's command, towards neutral shipping, is 1807 PS found in an entry in Jodl's Diary, 1807 PS, for 16 June 1942.

1807 PS

iii. Raeder also caused the Navy to participate in war crimes ordered by other conspirators. To give but one example.

On 28 October 1942, the head of the operations division of the naval war staff promulgated to naval commands Hitler's notorious order of 18 October 1942 to deny the protection of the Geneva C 179 Convention to captured commandos. C 179
US 543

I shall now draw to the Tribunal's attention an example of the execution of this order by the Germany Navy.

Mr. Roberts, on Wednesday, gave the Tribunal an account of a commando operation of December 1942, which had as its objective an attack on shipping in Bordeaux harbour. The Wehrmacht account he quoted (UK 57) stated that six of the ten participants were arrested and that all were shot on 23rd March 1943. I shall now introduce

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a further document throwing more light on this affair, and showing also how very much more expeditiously the Navy under Raeder had implemented Hitler's order on this particular occasion.

C 176

C 176

From this document the Tribunal will see that the first two to be shot from this Bordeaux operation were actually put to death by a naval firing party on the 11th December, 1942. The two referred to here were Sergeant Wallace and Marine Ewart, who had had the misfortune to be captured on the 8th December, in the preliminary stages of the operation.

Also of interest is the naval war staff's comment on this shooting, showing very clearly how the naval high command accepted blindly - allegiance to the Nazi conspiracy as of greater import than any question of moral principle, or of professional honour and integrity.

D 658

D 658

(Note: SKL war diary assumes that men were shot on 9th December; this is of course an error, but it does not affect the relevance of either the document or the Prosecution's submission).

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E. Conclusion

To summarize this part of the Prosecution's case against Raeder:-

1) He was not just a military puppet carrying out political orders. Before the Nazis came, he had worked actively to rebuild the German Navy behind the Reichstag's back. When the Nazis seized power, he unreservedly joined forces with them. He was the prime mover transferring the loyalty of the German Navy to the Nazi Party. He himself was as much a member of the inner councils of the Nazis as any other defendant. He accepted membership of their main political advisory bodies.

He was well aware of their aggressive designs and assisted in their realisation not only as a military technician but also as a mendacious politician. And he furthered their brutal methods of warfare.

2) Yet of all the conspirators, he was one of the first to fall from his high position. It is in fact true that the extension of the war beyond the boundaries of Poland came as a disappointment to him. His vision of a Nazi Armada mastering the Atlantic reckoned without Ribbentrop's diplomacy and Hitler's ideas of strategy.

C 161

C 161

This document dated 10th January, 1943, just before his retirement, shows how completely he was cheated in his ambitious plans, by a slight miscalculation as to when his high seas fleet would be required.

Raeder made a great effort to recover some of his lost glory with the surprise attack on an ineffensive ancient Norway. He made many efforts to liven up the war at sea both at the expense of neutrals and of the customs and laws of the sea. His further schemes however were disregarded by his fellow conspirators and in January 1943 he

D655 retired and thereafter was a leader in name only. As the record

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D 655 D 655 shows, Raeder asked Hitler for leave to resign but added

"if the Fuhrer.....details."
D 655

This was Raeder's twilight, far different from the scene on 12 March, 1939, when he spoke on the occasion of the German Heroes Day.

D 653 I refer the Court to the final document on Raeder D 653.

(Read 15th line from top of 2nd page and 1st para on p.3)

This speech of Raeder's is the final proof of his deep personal involvement in the Nazi conspiracy. There is the remarkable mixture of heroics and fatalism that led millions of Germans to slaughter - "men in love with death" as a French writer has described it. There are the boasts of violence used on the people of Almeria. There is the lip service to peace by a man who planned conquest. "Armed forces and party have become more and more united in attitude and spirit" - there is the authentic Nazi voice. There is the assertion of racialism. Finally, there is the anti-semitic gesture, Raeder's contribution to the outlook that produced Belsen.

Imbued with these ideas, Raeder collaborated with the Nazis in their deathly conspiracy for his part in which Raeder must now bear his full share of responsibility.

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BRITISH TRIAL BRIEF

ERICH RAEDER

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